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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

DAVID COPPERFIELD'S
DISAPPEARING, INC., a.k.a. DCDI
PRODUCTIONS, a Nevada Corporation;

Plaintiff,

vs.

AVINASH KUMAR; an Individual, DOES
I-X; and ROES I-X,

Defendants.

COMPLAINT

Case No.: 24-7063

Plaintiff DAVID COPPERFIELD'S DISAPPEARING, INC., a.k.a. DCDI PRODUCTIONS ("Plaintiff") complains against AVINASH KUMAR, DOES I-X, and ROES I-X ("Defendants") as follows:

I.

JURISDICTION AND VENUE

1. Federal jurisdiction in this case is appropriate because this case centers on federal questions. Among other causes of action, Plaintiff brings a complaint pursuant to 17 U.S.C. § 501.

2. Federal district courts have original jurisdiction over such claims pursuant to 28 U.S.C. § 1338.

3. Additionally, there is diversity of citizenship of the parties. Plaintiff is a Nevada corporation, while upon information and belief, all Defendants are citizens and residents of India or are corporations formed and primarily operating in India. The amount in controversy is in excess of \$75,000.

4. Venue is proper because, in filing the DMCA counter-notice, Defendant AVINASH KUMAR consented to jurisdiction where YouTube is located, and YouTube is primarily located in San Bruno, California, which is within the Northern District of California. *See* 28 U.S.C. § 1391(b)(3).

5. Venue is also proper under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in the Northern District of California.

II.

PARTIES

6. Plaintiff DAVID COPPERFIELD'S DISAPPEARING, INC., a.k.a. DCDI PRODUCTIONS, is and was at all relevant times a Nevada corporation.

7. Upon information and belief, Defendant AVINASH KUMAR is an individual who is a citizen and resident of Jamui, India. However, Defendant expressly accepted jurisdiction of this Court when Defendant submitted a DMCA counter-notice pursuant to 17 U.S.C. § 512(g).

III.

GENERAL ALLEGATIONS

8. David Copperfield is a famous and world-renowned magician and illusionist.

9. David Copperfield is known for, among other things, his illusion in which he makes

1 the Statute of Liberty disappear, or when he walked through the Great Wall of China.

2 10. Plaintiff DCDI Productions is the owner of numerous copyrights relating to the
3 works and creations of David Copperfield that have been properly registered with the U.S.
4 Copyright Office.

5 11. These registered copyrights include but are not limited to “Magic of David
6 Copperfield: TV Special 14,” which is registered under Copyright Number PAu001712107 and
7 dated 1992 (“the Work”).

8 12. Defendant Avinash Kumar posted a video to the video-sharing Platform YouTube
9 identified by <http://www.youtube.com/watch?v=6QYgsnH9bc4>.

10 13. The video uploaded by Avinash Kumar contains substantial portions of the Work.

11 14. Defendant had no right to make any use of the Work.

12 15. Defendant makes a large majority of his revenue from advertising and various
13 YouTube revenue programs that reward content creators for gaining subscribers and increasing
14 popularity of their videos, such as YouTube Partner Program.

15 16. In other words, the more interesting the videos, the more subscribers the Defendant
16 gains, which in turn translates to more money for the Defendant.

17 17. Defendant may have uploaded other videos that contain portions of other works
18 owned by Plaintiff, such as a video identified by:

19 https://www.youtube.com/watch?v=bQ_NGrwpyQ0, or

20 <https://www.youtube.com/watch?v=UdKWcYEWTeM>.

21 18. Plaintiff upon discovery of the Defendant’s video contain the Work, sent a notice to
22 YouTube requesting that the video be removed pursuant to the Digital Millenium Copyright Act
23 codified in relevant part at 17 U.S.C. § 512.

29. Plaintiff seeks an award of attorney fees as allowed by statute. 17 U.S.C. § 505.

V.

SECOND CLAIM FOR RELIEF—MISREPRESENTATIONS PURSUANT

TO 17 U.S.C. § 512(f)(2)

30. Plaintiff repeats and incorporates the allegations above as fully set forth herein.

31. In filing the counter-notice, Defendant made misrepresentations that the materials were removed or disabled by YouTube due to mistake or misidentification.

32. Accordingly, Defendant is liable for all damages incurred by Plaintiff as the copyright owner caused by this misrepresentation, including attorney fees. 17 U.S.C. § 512(f)(2).

33. Plaintiff has been damaged by this misrepresentation because, among other things, Plaintiff has been forced to incur attorney fees.

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1 **WHEREFORE**, the Plaintiffs pray that this Court enter a judgment:

- 2 1. Awarding Plaintiff injunctive relief banning Defendant's continued infringement of
- 3 the Plaintiff's copyrights, including the copyrights in the Work;
- 4 2. Awarding Plaintiff economic damages in excess of \$75,000, the exact amount to be
- 5 determined at trial;
- 6 3. Awarding Plaintiff noneconomic damages in excess of \$75,000, the exact amount
- 7 to be determined at trial;
- 8 4. Awarding Plaintiff pre-judgment and post-judgment interest;
- 9 5. Awarding Plaintiff reasonable attorney fees and costs incurred in the prosecution of
- 10 this action; and
- 11 6. Granting such other relief as the Court may deem just and proper.

12 DATED this 8th day of October, 2024.

13 **THE MEDRALA LAW FIRM, PLLC**

14 /s/ Jakub P. Medrala

15 **JAKUB P. MEDRALA, ESQ.**

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